

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LOUIS NAIMAN and KENNETH JOHANSEN  
and, individually and on behalf of a class of all  
persons and entities similarly situated,

Plaintiffs,

v.

BLUE RAVEN SOLAR, LLC, *et al.*,

Defendants.

Case No. 2:19-cv-01643-JAD-EJY

**MOTION TO WITHDRAW AS  
COUNSEL**

STEPHEN A. WATKINS, ESQ., respectfully moves this court for an order permitting attorneys Stephen A. Watkins of Carlson & Messer LLP, and Trevor Waite and Kurt Bonds of Alverson Taylor & Sanders, who have appeared in these proceedings on behalf of Defendants Renovation Referral LLC and Gabriel Solomon ("Renovation Defendants"), in the above captioned matter, to withdraw as counsel pursuant to Local Rule IA 11-6, and N.R.P.C 1.16 (b)(1) and (7).

This Motion is made and based upon the Memorandum of Points and Authorities submitted herein, the Declaration of Stephen A. Watkins, Esq., attached hereto, the pleadings and papers on file herein, and any argument adduced at the hearing of this Motion to Withdraw as Counsel of Record.

Dated: July 22, 2021

CARLSON & MESSER LLP

/s/ Stephen A. Watkins

Stephen A. Watkins (CA Bar No. 205175)

Admitted Pro Hac Vice

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/s/ Trevor Waite

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**MEMORANDUM OF POINTS AND AUTHORITIES**

In August 2020, Gabriel Solomon engaged Carlson & Messer LLP to represent Mr. Solomon and Renovation Referral, LLC (“Renovation Defendants”) in the instant case and related matters. Unfortunately, Mr. Solomon has not paid C&M for an extended period of time despite multiple requests from C&M. The fees and costs due to C&M far exceed the last payment made by Mr. Solomon. Therefore, C&M respectfully requests this Motion for Leave to Withdraw as Counsel of Record be granted as ongoing

LR IA 11-6(b) provides that “No attorney may withdraw after appearing in a case except by leave of the court after notice has been served on the affected client and opposing counsel.” LR IA 11-7(a) provides that “An attorney admitted to practice under any of these rules must adhere to the standards of conduct prescribed by the Model Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Nevada, except as these standards may be modified by this court.”

Furthermore, Nevada Rules of Professional Conduct Rule 1.16(b) provides in relevant part:

Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

\* \* \*

(5) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (7) Other good cause for withdrawal exists.

C&M has expended a substantial amount of time and resources representing the Renovation Defendants in the instant matter and is now owed a substantial amount in unpaid legal fees and costs from September 2020-December 2020. C&M has repeatedly requested Mr. Solomon to pay the outstanding amounts owed and informed him in writing that defense counsel would move to withdraw as counsel if the outstanding amounts were not paid.

Nevertheless, Mr. Solomon has not responded with any payment towards the outstanding amount due and have not even suggested or requested a payment plan.

On July 13, 2021, C&M once again informed Mr. Solomon that it would be filing a

motion to withdraw as counsel if the past due fees and costs owed to C&M were not paid. Mr. Solomon continues to fail to pay the amounts due C&M.

The last known address for Mr. Solomon, and where all future pleadings may be directed is:

Gabriel Solomon  
Renovation Referral LLC  
5379 Lyons Road  
Coconut Creek, FL. 33073

C&M has notified via opposing of this motion via service with the CM/ECF system.

At this stage of the proceedings, the withdrawal can be accomplished without adverse effect to the interests of Mr. Solomon or causing a delay in the proceedings. The motion for summary judgment of co-defendant Blue Raven Solar, LLC is still pending and no dates have been set. Further continued representation of Mr. Solomon creates an additional unreasonable financial hardship on C&M due to the unpaid legal fees and costs. As such, good cause exists, and C&M's motion to withdraw should be granted.

Alverson Taylor & Sanders ("Alverson Taylor") was retained by C&M as local counsel only and therefore joins in this request. Alverson Taylor's bills were sent to C&M before being sent to Mr. Solomon, so the issues with respect to C&M affect Alverson Taylor as well.

### **III. CONCLUSION**

Based on the foregoing, the Carlson & Messer LLP and Alverson Taylor & Sanders respectfully requests that this Court grant their Motion for Leave to Withdraw as Counsel of Record for Defendants Renovate Referral, LLC and Gabriel Solomon.

Dated: July 20, 2021

CARLSON & MESSER LLP

/s/ Stephen A. Watkins  
Stephen A. Watkins (CA Bar No. 205175)  
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ALVERSON TAYLOR & SANDERS

/s/ Trevor Waite

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**DECLARATION OF STEPHEN A. WATKINS IN SUPPORT  
OF MOTION TO WITHDRAW AS COUNSEL**

1. I, Stephen A. Watkins, declare, under penalty of perjury, that the following is true and correct:

2. I am an attorney-at-law admitted to practice in all courts of the State of California. I have personal knowledge of the facts set forth below and I believe them to be true.

3. I am over eighteen years old and I am competent to testify to the matters set forth herein.

4. I represent Renovation Referral LLC and Gabriel Solomon ("Renovation Defendants"). I received *pro hac vice* admission into this matter on September 22, 2020.

5. Mr. Solomon, is owner of Renovation Referral LLC. C&M was retained by Mr. Solomon to represent the Renovation Defendants in the above-captioned proceedings, *Johansen v. Blue Raven Solar, LLC et al.*, 2:20-cv-02930 (S.D. Ohio) and *Naiman v. Blue Raven Solar, LLC et al.*, 19-cv-01643-JAD-EJY (D.Nev.) prior to their consolidation into 2:19-cv-01643-JAD-EJY.

6. Kurt Bonds and Trevor Waite of Alverson, Taylor & Sanders have served as local Nevada counsel for *Naiman*.

7. C&M has expended a substantial amount of time and resources representing the Renovation Defendants in the instant matter, and is now owed a substantial amount in unpaid legal fees and costs.

8. Mr. Solomon has not paid C&M for outstanding amounts due for fees and services that were incurred in this litigation September-December 2020 despite being requested to do so. The unpaid amounts due and owing C&M by Mr. Solomon is substantial.

9. Mr. Solomon has also incurred substantial fees to C&M in another matter not before this Court and has stated an inability to pay those fees as well.

10. Unless C&M is permitted to withdraw as counsel for the Renovation Defendants, it will continue to incur additional fees and costs.

11. On July 13, 2021, C&M sent e-mail correspondence to Mr. Solomon informing him that C&M was withdrawing as counsel of record based on his failure to pay outstanding amounts owed.

12. Given Mr. Solomon's ongoing failure to pay outstanding amounts for fees and services performed by C&M, continued representation of the Renovation Defendants creates an unreasonable financial burden on C&M. As such, good cause exists to grant the current motion withdraw as counsel.

13. Alverson Taylor & Sanders ("Alverson Taylor") was retained by C&M as local counsel only and therefore joins in this request. Alverson Taylor's bills were sent to C&M before being sent to Mr. Solomon, so the issues with respect to C&M affect Alverson Taylor as well.

I declare under penalty of perjury that the foregoing is true and correct and to the best of my knowledge.

Executed on July 22, 2021 at Los Angeles, CA.

/s/ Stephen A. Watkins  
Stephen A. Watkins

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2021, a copy of the foregoing, MOTION TO WITHDRAW AS COUNSEL OF RECORD, via CM/ECF to all persons participating in this Court's mandatory electronic filing system, on today's date, July 22, 2021.

/s/ Stephen A. Watkins  
Stephen A. Watkins